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22MM-CV00142 - ROGER SUTTER V BRASSCRAFT MANUFACTURING COMPANY (E-CASE)

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08/12/2022 ☐ [Summons Issued-Circuit](#)

Document ID: 22-SMOS-16, for BRASSCRAFT MANUFACTURING COMPANY.

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Filed By: JOHNATHON CARL BRERETON-HUBBARD

☐ [Note to Clerk eFiling](#)

Filed By: JOHNATHON CARL BRERETON-HUBBARD

☐ [Pet Filed in Circuit Ct](#)

Petition.

Filed By: JOHNATHON CARL BRERETON-HUBBARD

On Behalf Of: ROGER SUTTER

☐ [Judge Assigned](#)

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Released 08/24/2022




IN THE 10TH JUDICIAL CIRCUIT, MARION COUNTY, MISSOURI

Judge or Division: RACHEL BRINGER SHEPHERD	Case Number: 22MM-CV00142
Plaintiff/Petitioner: ROGER SUTTER	Plaintiff's/Petitioner's Attorney/Address: JOHNATHON CARL BRERETON-HUBBARD MCDONALD & BOGDAN 3636 S GEYER RD STE 250 ST LOUIS, MO 63127
Defendant/Respondent: BRASSCRAFT MANUFACTURING COMPANY	Court Address: 100 S MAIN, ROOM 207 P O BOX 431 PALMYRA, MO 63461
Nature of Suit: CC Property Damage	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: **BRASSCRAFT MANUFACTURING COMPANY**
Alias:
39600 ORCAHRD HILL PLACE
NOVI, MI 48375

COURT SEAL OF

MARION COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

August 12, 2022
Date

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one) ☐ the clerk of the court of which affiant is an officer.
☐ the judge of the court of which affiant is an officer.
☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees
 Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 10TH JUDICIAL CIRCUIT, MARION COUNTY, MISSOURI

Judge or Division: RACHEL BRINGER SHEPHERD	Case Number: 22MM-CV00142
Plaintiff/Petitioner: ROGER SUTTER	Plaintiff's/Petitioner's Attorney/Address: JOHNATHON CARL BRERETON-HUBBARD MCDONALD & BOGDAN 3636 S GEYER RD STE 250 ST LOUIS, MO 63127
Defendant/Respondent: BRASSCRAFT MANUFACTURING COMPANY	Court Address: 100 S MAIN, ROOM 207 P O BOX 431 PALMYRA, MO 63461
Nature of Suit: CC Property Damage	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: BRASSCRAFT MANUFACTURING COMPANY

Alias:

39600 ORCAHRD HILL PLACE
NOVI, MI 48375

COURT SEAL OF



MARION COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

August 12, 2022
Date

Further Information:

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I certify that:

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- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
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 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
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IN THE CIRCUIT COURT OF MARION COUNTY
STATE OF MISSOURI

ROGER SUTTER,)	
)	
Plaintiff,)	Cause No. _____
)	
v.)	
)	
BRASSCRAFT MANUFACTURING)	
COMPANY,)	
)	
Serve at: The Corporation Company)	
40600 Ann Arbor Rd East,)	<u>JURY TRIAL DEMANDED</u>
Suite 201)	
Plymouth, MI 48170)	

PETITION

Plaintiff, ROGER SUTTER, by and through undersigned counsel, hereby files his Petition for property damage against Defendant, BRASSCRAFT MANUFACTURING COMPANY, as follows:

1. Plaintiff is the owner of a hog farm located at 8203 County Road 346, Taylor, MO 63471.
2. Defendant is a manufacturing company registered in Michigan but conducting business in Missouri.
3. Defendant manufactured a gas appliance connector (GAC) which was used in the gas piping system at the subject hog farm.
4. The GAC was designed and marketed as being resistant to damage by lightning strike.
5. On April 7, 2021, lightning struck the farm's gas piping system, causing the GAC to fail.

6. The failure of the GAC lead to a gas leak which caused a fire that severely damaged the Plaintiff's property and led to the death of 30 hogs.
7. The damages sustained by Plaintiff as a result of the fire totals \$1,675,187.56.

COUNT I – STRICT LIABILITY

8. Plaintiff reincorporates paragraphs 1-6 as if stated in full herein.
9. Defendant was the manufacturer of the subject GAC.
10. The subject GAC was intended to withstand lightning strikes.
11. Due to manufacturing errors on the part of Defendant, the GAC failed when hit by lightning.
12. As such, the GAC was in an unreasonably dangerous and defective condition when it was sold to Plaintiff.
13. As a direct result of the defect in the GAC, a fire was ignited which damaged Plaintiff's property and killed Plaintiffs hogs.
14. As Defendant manufactured an unreasonably dangerous, defective GAC which directly led to the damages sustained by Plaintiff, Defendant is strictly liable for said damages.

WHEREFORE, Plaintiff hereby prays this court enter judgment against Defendant in the amount of \$1,675,187.56.

COUNT II – NEGLIGENCE

15. Plaintiff reincorporates paragraphs 1-6 as if stated in full herein.
16. Defendant was the manufacturer of the subject GAC.

17. The subject GAC was intended to withstand lightning strikes.

18. The subject GAC failed when hit by lightning on April 7, 2021, leading to the subject fire.

19. Defendant negligently caused or contributed to cause the subject fire by:


- a. Failing to properly test the subject GAC;
- b. Selling a product that was unfit for its intended use;
- c. Selling a defective product.

20. As a direct result of Defendant's negligence, Plaintiff suffered fire damage to his property and his livestock.

21. As Defendant's negligence led directly to the damages sustained by Plaintiff, Defendant is liable for said damages.

WHEREFORE, Plaintiff hereby prays this court enter judgment against Defendant in the amount of \$1,675,187.56.

LAW OFFICE OF PAMELA W. BROWN



JOHNATHON BRERETON-HUBBARD, #58616
3636 S. Geyer Rd., Suite 250
St. Louis, MO 63127
(Phone) 314-835-5656
(Fax) 1-866-421-3335
breretj@nationwide.com

Attorney for Plaintiff

IN THE CIRCUIT COURT OF MARION COUNTY
STATE OF MISSOURI

ROGER SUTTER,

Plaintiff,

v.

BRASSCRAFT MANUFACTURING
COMPANY,

Serve at: The Corporation Company
40600 Ann Arbor Rd East,
Suite 201
Plymouth, MI 48170

Cause No. _____

JURY TRIAL DEMANDED

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13. As a direct result of the defect in the GAC, a fire was ignited which damaged Plaintiff's property and killed Plaintiffs hogs.
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Attorney for Plaintiff